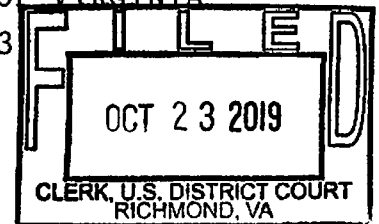


Gibney ✓  
IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA  
COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. §1983



I. PARTIES/PLAINTIFF

A. PATRICK LEE CASE II

INMATE ID NUMBER 1865193

ACTION NUMBER 3:19cv788

REFERENCE TO CASE#

17-002853

B. COMMONWEALTH OF VA.

CITY OF DANVILLE, VA

PLACE OF INCARCERATION

690 FALLS ROAD

VICTORIA, VA 23974

D. DEFENDANTS

1.(A). COMMONWEALTH OF VA

CITY OF DANVILLE VA.

E. COMMONWEALTH OF VA

CITY OF DANVILLE

F. SMITH SEEDS BUILDING

315 LYNN STREET, SUITE A

DANVILLE, VA 24541

## II. PREVIOUS LAWSUITS

A. HAVE YOU EVER BEGUN OTHER LAWSUITS IN ANY STATE OR FEDERAL COURT RELATING TO YOUR IMPRISONMENT ? YES[X] NO[ ]

B. IF YOUR ANSWER TO "A" IS YES: YOU MUST DESCRIBE ANY LAWSUIT, WHETHER CURRENTLY PENDING OR CLOSED, IN THE SPACE BELOW. IF THERE IS MORE THAN ONE LAWSUIT, YOU MUST DESCRIBE EACH LAWSUIT ON ANOTHER SHEET OF PAPER, USING THE SAME OUTLINE, AND ATTACH HERETO.

### 1. PARTIES TO PREVIOUS LAWSUIT:

PLAINTIFF(S) PATRICK LEE CASE II

DEFENDANT(S) 1. (A). DANVILLE CITY SHERIFF'S OFFICE, OFFICER'S OF DANVILLE CITY JAIL

A. CAPT. MARTIN

B. LT. PETTY

C. SGT. WILKERSON

D. MRS. BERGER C/O

E. MRS. SEEPE C/O

F. MR. MEYERS C/O

G. MR. BUGSBY C/O

H. MR. DIX C/O

I. LT. BRAE

J. MRS. HEIST C/O

K. SGT. MRS. RYAN

### 2. COURT

UNITED STATES DISTRICT COURT (1983§)

### 3. DATE LAWSUIT FILED.

N/A

### 4. DOCKET NUMBER

N/A

5.NAME OF JUDGE TO WHOM CASE WAS ASSIGNED:

N/A

6.DISPOSITION(WAS CASE DISMISSED?APPEALED?IS IT STILL PENDING?WHAT RELIEF WAS GRANTED,IF ANY?):

STILL PENDING

I.PARTIES TO PREVIOUS LAWSUIT:

PLAINTIFF(S)PATRICK LEE CASE II

DEFENDANT(S)1.STATE PROSECUTOR

A.PETRA B.HASKINS

2.COURT:

UNITED STATES DISTRICT COURT (1983§)

3.DATE LAWSUIT WAS FILED.

N/A

4.DOCKET NUMBER

N/A

5.NAME OF JUDGE TO WHOM CASE WAS ASSIGNED:

N/A

6.DISPOSTITION:

STILL PENDING.

7.CASE REFERRANCE NUMBERS CR-17000615-00/C17-1647,CR17000616-00/C17-1648  
DANVILLE,VA CIRCUIT COURT CASE.

III.GRIEVANCE PROCEDURE.

A.AT WHAT INSTITUTION DID THE EVENTS CONCERING YOUR CURRENT COMPLAINT TAKE PLACE:DANVILLE CITY JAIL,DANVILLE,VA

B.DOES THE INSTITUTION LISTED IN "A" HAVE A GRIEVANCE PROCEDURE ?YES[X]NO[ ]

C.IF YOUR ANSWER TO "B" WAS YES :

1.DID YOU FILE A GRIEVANCE BASED ON THIS COMPLAINT. ?YES[X] NO[X]

2.IF SO,WHERE AND WHEN:N/A

3.WHAT WAS THE RESULT ? N/A

4.DID YOU APPEAL ?YES[ ] NO[X]

5.RESULT OF APPEAL:THERE WAS NONE.

D.IF THERE WAS NO PRISON GRIVANCE PROCEDURE IN THE INSTITUTION,DID YOU COMPLAIN TO THE PRISON AUTHORITES ? YES[ ] NO[X]

IF YOUR ANSWER IS YES,WHAT STEPS DID YOU TAKE ?NONE

E.IF YOUR ANSWER IS NO,EXPLAIN WHY YOU DID NOT SUBMIT YOUR COMPLAINT TO THE PRISON AUTHORITIES ? BECAUSE IM IN THE PROCESS OF SUBMITTING A STATE HABEAS CORPUS FOR BOTH OF MY CONVICTIONS MY CASE DOESN'T INVOLVE ANYTHING ABOUT MY IMPRISONMENT OTHER THAN THE FACT THAT I WAS WRONGFULLY IMPRISONED.

#### IV. STATEMENT OF THE CLAIM.

I PATRICK LEE CASE II WAS FALSELY CONVICTED OF ROBBERY ON 07/27/17, WITH THE FACT THAT THE SAID VICTIM IN THE CASE WRONGFULLY ACCUSED ME AS BEING THE PERPITRATER THAT ROOBBED HIM, WHEN YOU WILL READ IN MY EXHIBITS THAT I PREPARED FOR YOUR HONORABLE COURT. SEE YOUR HONOR THE SAID VICTIMS OUT-OF-COURT STATEMENTS WERE THAT FOR ONE WAS THE FACT THAT THE SAID VICTIM SAID THAT I NOR MY CO-DEFENDANT DIDN'T DO ANYTHING NOR DID THE SAID VICTIM REMEMBER WHAT I LOOKED LIKE OR WHAT I HAD ON, IT WASN'T UNTIL TRIAL THAT THE SAID VICTIM IDENTIFY ME BY MY TATTOO'S ON MY FOREARMS, THE SAID VICTIM ALSO SAID HE DIDN'T WANT TO PRESS CHARGES ON ME OR MY CO-DEFENDANT. SEE WHEN YOU READ MY EXHIBITS THAT I WROTE UP SHOWING THIS INFORMATION IS TRUE BY RESEARCH OF BODY-CAM FOOTAGE AND RECORDS AND REPORTS FROM THE POLICE THROUGH-OUT THEIR INVESTIGATION AND TO THE POINT THAT MY COUNSEL NEVER REVIEWED THE BODY-CAM FOOTAGE NOR DID HE CHALLENGE THIS AT MY PRELIMINARY HEARING OR TRIAL, OTHERWISE I KNOW I WOULDN'T HAVE BEEN CONVICTED OF ROBBERY. ALL YOUR COURTS NEED TO DO IS MOTION THE COURTS AS TO WHERE I WAS CONVICTED IN DANVILLE, VA FOR MY TRANSCRIPTS AND BODY-CAM FOOTAGE AND SEE WHAT I SAY IS TRUE.

SEE IN MY EXHIBITS I LAID OUT FOR THE LOWER COURT AND YOURS AS WELL I MOTIONED A CASE OF INEFFECTIVE ASSISTANCE TO THE FOLLOWING EXAMPLES I LIST IN THIS CLAIM.

-MR. BROCK BEING THE SAID VICTIM IN CASE, HE TOLD 35 LIES TO POLICE IN THEIR INVESTIGATIONS, DUE TO THE FACT THAT BASICALLY ALL OF WHICH WERE NOT PART OF HIS OUT-OF-COURT STATEMENTS DUE TO OF WHICH I STATED TO YOUR HONORABLE COURT WAS TOLD IN THE BEGINING OF THIS STATEMENT OF CLAIM.

-IDENTIFICATION WAS SUGGESTIVE, BECAUSE OF THE FACT THE MR. BROCK WAS THAT I THE PLAINTIFF DIDN'T DO ANYTHING AND DIDN'T REMEMBER WHAT I LOOKED LIKE OR WHAT I HAD ON. THEN THERE AFTER TOLD POLICE AND DETECTIVES A TOTALLY DIFFERANT STORY WHILE PAINTING A EVIL AGAINST MYSELF AS BEING THE ONE WHO ROBBED HIM, EVEN THOUGH ALL THE ELEMENTS POINTED TO A THIRD PARTY WHEN MR. BROCK

- TALKED TO POLICE AND TESTIFIED AT MY TRIAL.
- ELEMENTS OF CRIME ,ALL ELEMENTS POINT TO A THIRD PARTY,EVEN THOUGH MY CASE WAS A HIGHLY PROFILED ONE TO POINT THE PROSECUTOR USE A IMAGE OF A FICTIONAL PERSON AT TURNED IT AROUND TO CONVICT ME A TRIAL.
- SPEEDY TRIAL ACT WAS VIOLATED,DUE TO THE FACT THAT I WASN'T INDICTED WITHIN THE TIME COURTS ALLOWED WITHIN THE THIRTY DAYS FROM THE POINT OF ARREST TO INDICTMENT,AND THE FACT THAT STATE ONLY HAD SEVENTY DAYS FROM POINT OF INDICTMENT TO TRIAL AS WHICH ALL WAS VIOLATED.
- EVIDENCE FOR RELIEF GOES INTO TOPIC ABOUT THE WARRANTS THAT THE POLICE SAID WERE TRUE AND TO POINT THEY HAD PROBABLE CAUSE ATTACHED TO THEM,NEITHER THE WARRANT WAS HAD PROBABLE CAUSE NOR DID THE AFFIDAVIT THAT SHOULD HAVE BEEN ATTACHED EVEN THOUGH IT WASN'T BY THE MAGISTRATE.
- THE SAID VICTIM HAD HIS OWN PICTURE OF CRIMINAL INTENT,FROM ADULTERY, TO DRUGS,BRANISHING A FIREARM PLUS MANY OTHER THINGS LISTED IN THE EXHIBITS.
- MR.BROCK LIES ABOUT GUN IN POLICE INVESTIGATION.
- MR.BROCK LIED ABOUT DRUGS IN POLICE INVESTIGATION.
- SIGNS OF INNOSENSE .
- OUT-OF-COURT STATEMENTS,ACTUAL INOSENSE,
- PERJURY AT TRIAL MR.BROCK TOLD 27 MORE LIES AT TRIAL THAT THE PROSECUTOR LET MR.BROCK GET AWAY WITH AT TRIAL EVEN AFTER HIS OUT-OF-COURT STATEMENTS DIDN'T MATCH TO WHAT WAS SAID AT TRIAL.
- MISREPRESENTATION OF PROSECUTION,THE PROSECUTOR ALLOWED ALL THIS FAULT TO FALL UPON THE COURTS.
- I THE PETITIONER WAS DENIED THE ALLOWANCE TO BE PRESENT IN THE COURT ROOM WHILE MY CO-DEFENDANT MADE STATEMENTS AGAINST ME.
- JUDGE MISINFORMATION /DISQUALIFYING THE JUDGE .
- BODY-CAM FOOTAGE,OF OFFICER WALKER,STONE,GOURLEY.

-PUBLIC DEFENDER FAILED TO MOTION COURT AT MY PRE-TRIAL TO SUPPRESS AND / OR MOTION THE COURT FOR DISMISSAL DUE TO ALL THE TECHNICALITIES IN THE INVESTIGATION OF OFFICER'S AND DETECTIVES.

-SPEEDY TRIAL ACT VIOLATED

30 DAYS FROM POINT OF ARREST TO INDICTMENT.PLAINTIFF WAS NEVER INDICTED ON THESE CHARGES,OF B & E AND GRAND LARCENY .

70 DAYS FROM POINT OF INDICTMENT TO TRIAL,NO DEFINIT PATH OF TIME.

-COUNSEL RECUSED HIMSELF 2 WEEKS BEFORE TRIAL LEAVING ME UNLETTERED AND UNPREPARED FOR TRIAL WHILE LABELING ME DISABLED TO STAND TRIAL EVEN IF IT WAS JUST TO PLED GUILTY.

-COUNSEL REFUSED TO PARTICIPATE AT TRIAL .

-JUDGE SENTENCED ME OFF OF MISINFORMATION AND EVIDENCE THAT WAS NOT INTRODUCED IN COURT ON THE ACCOUNT THAT I PLED GUILTY.JUDGE SAID YOU ON VIDEO AT THE PAWN SHOP HOCKING THE STUFF AND HE SAID THAT THE EVIDENCE WAS OVER WHELMING.

1.CONFLICT BETWEEN CLIENT'S INTEREST AND COUNSEL'S SELF INTEREST AT LEAST ONE CIRCUIT HAS CONCLUDED THAT THE REASONING OF CUYLER VS. SULLIVAN DOES NOT APPLY TO CONFLICTS BETWEEN A LAWYER'S SELF INTEREST AND THAT OF HIS OR HER CLIENT.IN BEETS VS.WASHINGTON PROVIDES THE APPROPRIATE TEST FOR DETERMINING WHETHER AN ATTORNEY'S SELF-INTEREST DEPRIVED A DEFENDANT OF PROTECTIONS AFFORDED BY THE SIXTH AMENDMENT.

-THE FIFTH CIRCUIT RECOGNIZED THAT THE STRICKLAND COURT ENDORSED CUYLER'S PRESUMPTION OF PREJUDICE WHERE A DEFENDANT DEMONSTRATES THAT THE COUNSEL WAS SUBJECT TO AN ACTUAL CONFLICT OF INTEREST AND ALSO DEMONSTRATES THAT THE COUNSEL AND CONFLICT ADVERSELY AFFECTED COUNSEL'S PERFORMANCE.



-STATEMENT'S FROM MR. BROCK SAYING HE DIDN'T KNOW OR RECALL TOPICS AT TRIAL.  
THERE WERE 17 DIFFERANT TOPICS MR.BROCK DIDN'T KNOW OR RECALL.

-STATEMENTS OF MS.FISK/CO-DEFENDANT THAT WERE THROWN OUT OF COURT.

-SEE ALL THESE TOPICS ARE COVERED IN THE EXHIBITS THAT I PROVIDED TO YOUR  
HONORABLE COURT.

V. RELIEF

I UNDERSTAND THAT IN THIS SECTION 1983 ACTION THE COURT CANNOT CHANGE MY SENTENCE, RELEASE ME FROM CUSTODY OR RESTORE GOODTIME. I UNDERSTAND I SHOULD FILE A PETITION FOR WRIT TO HABEAS CORPUS IF I DESIRE THIS TYPE OF RELIEF.

PLC \_\_\_\_\_ (PLEASE INITIAL)

THE PLAINTIFF WANTS THE COURT TO: (CHECK THOSE REMEDIES YOU SEEK)

X  AWARD MONEY DAMAGES IN THE AMOUNT OF \$2,500,000

\_\_\_\_\_ GRANT INJUNCTIVE RELIEF BY \_\_\_\_\_

\_\_\_\_\_ OTHER \_\_\_\_\_

VI. PLACES OF INCARCERATION

LUNENBURG CORRECTIONS CENTER FOR PAST 12 MONTHS

VII.

VII. CONSENT DO YOU CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE:

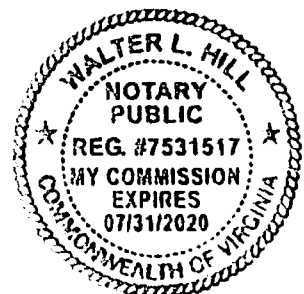
YES ☒ NO ☐

VIII. SIGNATURE.

IF THERE IS MORE THAN ONE PLAINTIFF MUST SIGN FOR HIMSELF .

SIGNED THIS  11<sup>th</sup>  DAY OF  October , 20  19 .

PLAINTIFF  Patrick Lee Christ



*Walter L Hill*